

Notice of Allowability

Application No.

10/718,419

Applicant(s)

DURHAM ET AL.

Examiner

Art Unit

Jared I. Rutz

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/9/2006.
2. ☒ The allowed claim(s) is/are 1-6, 8-13, 15, 16, 18-24 and 26-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 1-6, 8-13, 15, 16, 18-24, and 26-32 as amended on 11/9/2006 are pending in the instant application. Independent claims 1, 8, 15, 22, and 27 have been amended to incorporate the limitations indicated allowable in the Office action of 8/9/2006. The rejection of claims 1-6, 8-13, 15, 16, 18-24, and 26-32 presented in the office action of 8/9/2006 has been overcome. Accordingly, this application is in condition for allowance.

Reasons for Allowance

2. **Claims 1-6, 8-13, 15, 16, 18-24, and 26-32** are allowed over the prior art of record.
3. **Claims 1, 8, and 27** recite the limitation "*wherein the requests are routed to the selected storage cells in identical communication protocols in which the requests are received by the storage grid manager*". This limitation is taught by the specification at paragraph 0026. This limitation, in combination with the other recited limitations, is not taught or suggested by the prior art of record.
4. **Claims 2-6, 9-13, and 28-32** depend from claims 1, 8, and 27 respectively, and are considered allowable for at least the same reasons as claims 1, 8, and 27.

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5. **Claims 15 and 22** recite the limitation "*wherein the routing step comprises routing the requests to the storage cells in identical communication protocols in which the requests are received by the storage grid manager*". This limitation is taught by the specification at paragraph 0026. This limitation, in combination with the other recited limitations, is not taught or suggested by the prior art of record.

6. **Claims 16, 18-21, 23-23, and 26** depend from claims 15 and 22 respectively, and are considered allowable for at least the same reasons as claims 15 and 22.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared I. Rutz whose telephone number is (571) 272-5535. The examiner can normally be reached on M-F 8:00 AM - 4:00 PM.

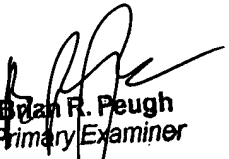
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jared I Rutz
Examiner
Art Unit 2187

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Brian R. Peugh
Primary Examiner
2/1/07